

REMARKS

This Amendment is being filed in response to the Office Action mailed July 21, 2008, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-7, 9-14 and 16-17 remain in this application, where claims 8 and 15 have been canceled without prejudice. Applicants reserve the right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or continuing applications.

By means of the present amendment, the current Abstract has been deleted and substituted with the enclosed New Abstract which better conforms to U.S. practice. Further, the specification has been amended to correct a certain informality.

In the Office Action, the drawings are objected to for including the reference numeral 14 which is not mentioned in the specification. To obviate this drawing objection, the specification has amended to include the reference numeral 14.

Accordingly, withdrawal of the objection to the drawings is respectfully requested.

In the Office Action, the Examiner objected to the drawings for not labeling FIG 1 as Prior Art. In response, FIG 1 has been amended to include the legend --Prior Art--. A replacement sheet including FIG 1 is enclosed. Applicants respectfully requests approval of the enclosed proposed drawing changes and withdrawal of the drawing objection.

In the Office Action, the Examiner objected to claim 3 for a certain informality. In response, claim 3 has been amended to remove the informalities noted by the Examiner. Accordingly, withdrawal of the objection to claim 3 is respectfully requested.

In the Office Action, claims 1 and 3 are rejected under 35 U.S.C. §112, second paragraph as allegedly indefinite. Without agreeing with the position forwarded in the Office Action and in the interest of advancing prosecution, claims 1 and 3 have been amended to remove the alleged informality noted in the Office Action. It is respectfully submitted that the rejection of claims 1 and 3 has been overcome and an indication as such is respectfully requested.

In the Office Action, the Examiner indicated that claims 9-11 would be allowable if rewritten in independent form. Applicants gratefully acknowledge the indication that claims 9-11 contain patentable subject matter. By means of the present amendment, independent claims 9 and 11 have been rewritten in independent form without including certain features that are believed to be not necessary for patentability. Accordingly, it is respectfully requested that independent claims 9 and 11 be allowed. In addition, it is respectfully submitted that claim 10 should also be allowed at least based on its dependence from independent claim 9 as well as its individually patentable elements.

In the Office Action, claims 1-8, 12 and 15-17 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 5,982,714 (Koda). Further, claims 13-14 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Koda in view of U.S. Patent Application Publication No. 2005/0111314 (Kojima). It is respectfully submitted that claims 1-7, 12-16 and 17 are patentable over Koda and Kojima for at least the following reasons.

Koda is directed to a laser strobe type magneto-optical recording apparatus, where the recording laser power can be set in

conformity with an influence of variations such as environmental variations arising from dust sticking to an objective lens. In particular, a test pattern is recorded then, based on a reproduction signal of the test pattern, the recording laser power is adjusted and set so that the length of a pit recorded area formed (corresponding to the laser pulse outputting period) may be appropriate.

It is respectfully submitted that Sullivan and Lawandy, alone or in combination, do not teach or suggest the present invention as recited in independent claim 1, and similarly recited in independent claim 3 which, amongst other patentable elements, recites (illustrative emphasis provided):

a modulating device for modulating the values of said writing parameters including simultaneously optimizing parameters of a plurality of laser pulses including power levels or duration of the plurality of laser pulses to make the mark runlengths reach the target values, the power levels including writing power, erasing power, cooling power and power to adjust back edges of marks written on an optical disc so that the mark runlengths are closer to the target values.

These features are nowhere disclosed or suggested in Koda. Kojima is cited to allegedly show other features and does not

remedy the deficiencies in Koda. Accordingly, it is respectfully submitted that independent claims 1 and 3 are allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2, 4-7, 12-16 and 17 are also allowable at least based on their dependence from amended independent claims 1 and 3, as well as their individually patentable elements. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

For example, the feature of claim 2, namely, "a judging device for judging whether it is necessary to optimize," is nowhere disclosed or suggested in Koda and Kojima, alone or in combination. Rather, Koda merely discloses in column 6, lines 30-37 recording of a test pattern.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of

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the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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Enclosure: Replacement drawing sheet (1 sheet including FIG 1)

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